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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,978	08/31/2000	Stephen McFarland	02950.P059	4737

7590

07/31/2002

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,978

Applicant(s)

MCFARLAND ET AL.

Examiner

Thjuan P Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Donaghue, Jr. et al (US 5,467,391).
2. In regards to claims 1 and 9, Donaghue discloses a method and apparatus comprising: means for making a plurality of outbound calls to a plurality of called parties from a single device; and detecting each called party that answers the call (Fig. 2, col. 2 lines 20-32, col. 5 lines 37-45, col. 5-6 lines 54-10, and col. 7 lines 6-8 and lines 30-34).
3. In regards to claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14, Donaghue discloses the method and apparatus, further comprising obtaining information associated with at least one called party (col. 8 lines 26-28 and lines 37-42).
4. In regards to claims 7 and 15, Donaghue discloses the method and apparatus, wherein treating further comprises executing a computer program based on information associated with the called party (col. 8 lines 7-25 and lines 37-42).
5. In regards to claims 8 and 16, Donaghue discloses the method and apparatus, wherein treating further comprises sending a message to the called party based on the information associated with the called party (col. 8 lines 26-28 and lines 37-42).

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6. In regards to claim 17, Donaghue discloses a computer readable medium having instructions which, when executed by a processing system, cause the system to: make a plurality of outbound calls to a plurality of called parties from a single device; and detect each called party that answers the call (Fig. 2, col. 2 lines 20-32, col. 5 lines 37-45, col. 5-6 lines 54-10, and col. 7 lines 6-8 and lines 30-34).

7. In regards to claims 18, 19, 20, 21, and 22, Donaghue discloses the medium, wherein the executed instructions further cause the system to treat at least one called party individually based on information associated with the called party (col. 8 lines 7-28 and lines 37-42).

8. In regards to claim 23, Donaghue discloses the medium, wherein the executed instructions further cause the system to execute a computer program based on information associated with the called party (col. 8 lines 7-25 and lines 37-42).

9. In regards to claim 24, Donaghue discloses the medium, wherein the executed instructions further cause the system to send a message to the called party based on the information associated with the called party (col. 8 lines 26-28 and lines 37-42).

Response to Arguments

10. Applicant's arguments filed May 09, 2002 have been fully considered but they are not persuasive. Applicants state that Donaghue does not disclose the making of a plurality of outbound calls to a plurality of called parties from a single device. Examiner respectfully disagrees with this argument. Donaghue does disclose the making of a plurality of outbound calls to a plurality of called parties from a single device (Fig. 2, col.

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2 lines 20-32, col. 5 lines 37-45, and col. 5-6 lines 54-10). Applicants state that

Donaghue does not disclose detecting each called party that answers the call.

Examiner respectfully disagrees with this argument. Donaghue does disclose detecting each called party that answers the call (col. 7 lines 6-8 and lines 30-34). Therefore,

Donaghue does teach the monitoring of the called parties. Applicants state that

Donaghue does not disclose obtaining information associated with at least one called party. Examiner respectfully disagrees with this argument. Donaghue does disclose

obtaining information associated with at least one called party (col. 8 lines 26-28 and lines 37-42). Applicants state that Donaghue does not disclose executing a computer

program based on information associated with the called party. Examiner respectfully disagrees with this argument. Donaghue does disclose executing a computer program

based on information associated with the called party (col. 8 lines 7-25 and lines 37-42).

Applicants state that Donaghue does not disclose sending a message to the called

party based on the information associated with the called party. Examiner respectfully

disagrees with this argument. Donaghue does disclose sending a message to the

called party based on the information associated with the called party (col. 8 lines 26-28 and lines 37-42).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Thjuan P. Knowlin
July 24, 2002


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600